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ORDINANCE NO. 5467

**AN ORDINANCE TO AMEND TITLE 11 – VEHICLES AND TRAFFIC, CHAPTER 11-28, SECTION 11-28-3, OF THE CODE OF ORDINANCES
(RIGHT-OF-WAY IN CROSSWALKS)**

WHEREAS, it is in the best interest of the City of Memphis to encourage and promote the safety of pedestrians within the boundaries of our City; and

WHEREAS, prioritizing pedestrian traffic over motor vehicle traffic in zones dedicated to pedestrian movement (i.e. marked crossways without traffic signals) is a vital condition for safe walking and an increasing number of states are clarifying their pedestrian rights and motor vehicle laws by mandating stops as crosswalks with pedestrians.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

That Title 11 – Vehicles and Traffic, Chapter 11 – 28, Section 11-28-3 of the Code of Ordinances, is hereby amended to read as follows:

Sec. 11-28-3 - Right-of-way in crosswalks.

- A. When traffic signals are not in place or not in operation, the driver of the vehicle shall slow down and come to a complete stop when a pedestrian is crossing within a crosswalk upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to slow down and come to a complete stop.

SECTION 2. BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Lee Harris
Council Member

Bill Morrison
Chairman

Attest:
Patrice Thomas, Comptroller

THE FOREGOING ORDINANCE
5467 PASSED
1st Reading 8-7-2012
2nd Reading 8-21-2012
3rd Reading 9-4-2012

Approved _____
Chairman of Council

Date Signed: _____

Approved: _____
Mayor, City of Memphis

Date Signed: _____

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Comptroller

AN ORDINANCE TO AMEND SECTION 11-28-3 (RIGHT-OF-WAY IN CROSSWALKS)

Current Ordinance

Section 11-28-3 currently reads as follows:

"Right-of-way in crosswalks

A. When traffic signals are not in place or not in operation, the driver of the vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway within a crosswalk upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield."

Proposed Change

Section 11-28-3 would be amended to read as follows:

"Right-of-way in crosswalks

A. When traffic signals are not in place or not in operation, the driver of the vehicle shall slow down and come to a complete stop when a pedestrian is crossing within a crosswalk upon the half of the roadway upon which the vehicle is travelling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to slow down and come to a complete stop."

Summary of Proposed Change and Rationale for Change

The proposed changes would modify Section 11-28-3 to require drivers of vehicles to come to a complete stop when a pedestrian is in a marked crosswalk. The current ordinance permits vehicles the option of simply slowing down. The proposed changes are not intended to affect right-of-ways for marked crosswalks with traffic signals. The changes are only intended to affect marked crosswalks without traffic signals. There are several marked crosswalks (without traffic signals) in the downtown/Mud Island area. This change would enhance protections for pedestrians and is expected to reduce pedestrian injuries and death. Memphis has the highest number of pedestrian fatalities in the state and one of the highest of largest metropolitan areas in the country. Also, this change would prioritize pedestrian traffic over motor vehicle traffic in marked crosswalks and, as a consequence, might encourage more walking. Also, this change could potentially save city resources, as the city may be able to avoid demand for traffic signals and substitute toward more marked crosswalks. Finally, this change would bring the City of Memphis in line with other cities, including Washington D.C., Omaha and similar provisions in states like New Jersey. This change is supported by Livable Memphis, a local group dedicated to healthy growth and development in the greater Memphis region. Changes are underlined.

Lee Harris
Memphis City Council